IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3299 of 2005

Between:

1. B. Ravinder Rao, S/o.Bhagwan Rao, age 44 years, Occ: Business, R/o.1/705-B Balasamudram, Hanamkonda Post, District: Warangal.

2. Smt. T.Soundarya, W/o.Ravinder, Age 40 years, Village: Mandaripet, Shyampet Mandal, District: Warangal

... PETITIONERS

AND

1. The Vice Chairman, Kakatiya Urban Development Authority, Warangal.

2. The District Collector, Warangal, Warangal District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in shifting/deviating the 80 feet road from Hunter Road which passes through Sy.No.967 and 976 of Shyampet Village of Hanamkonda Mandal as per the sanctioned Master Plan for Warangal City is illegal, arbitrary, wholly one without jurisdiction and contrary to Section 12 of the A.P.Urban Areas (Development Act, 1975 and Rule – 13 of the Urban Development Authorityd Rules, 1977 and consequently direct the 1st respondent to proceed with the formation of the 80 feet road as per the sanctioned Master Plan for Warangal City.

Counsel for the Petitioners: MR.P.PANKAJ REDDY

Counsel for the Respondent No.1: Mr. C.NARENDER
Counsel for the Respondent No.2: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

The petitioners claim to be the owners and possessors of house plots situated in Sy.No.967 (578) and 976 at Shyampet Village of Hanamkonda Mandal. It is stated that as per the revised Master Plan sanctioned under G.O.Ms.No.910 (Municipal Administration) dated 25-11-1971 there was a proposal for 80 feet road passing through Sy.Nos.967 and 976 and after conducting survey, the officials of the first respondent have marked the road margin by laying stones on either side of the road. However, it is alleged that at the instance of some political persons, the Assistant Engineer of Kakatiya Urban Development Authority has changed the course of the road by removing the marking stones. It is alleged that the said action is in deviation of the Master Plan and contrary to the provisions of the A.P. Urban Areas (Development) Act, 1975 and the Rules made there under.

In the circumstances, the petitioners made a representation dated 27-12-2004 bringing the above said facts to the notice of the District Collector and requesting to take necessary action, however, there was no response. Hence this writ petition.

Having heard the learned counsel for the petitioners and
Mr. C. Narender learned Standing Counsel appearing for the first respondent-Kakatiya Urban Development Authority, without expressing any opinion on merits, the writ petition is disposed of with a direction to the second respondent-District

Collector to consider the objections raised by the petitioners in their representation dated 27-12-2004 and pass appropriate orders, in accordance with law, after making the necessary enquiry into the alleged formation of road in deviation of Master Plan, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 23-02-2005

LSK

ASSISTANT REGISTRAR

To

1. The Vice Chairman, Kakatiya Urban Development Authority, Warangal.

2. The District Collector, Warangal, Warangal District.

3. Two C.Cs. to the Government pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

4. Two C.D. copies.